REMARKS

In response to the Office Action dated October 26, 2005, the Assignee respectfully requests reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-16 are currently pending in this application. Of these claims, the United States Patent and Trademark Office (the "Office") rejected claims 1-4 and 11-15 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 5,708,961 to Hylton *et al.* Claims 5-8 and 16 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Hylton* in view of Published U.S. Patent Application 2005/0060759 to Rowe. Claim 9 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Hylton* in view of *Rowe* and further in view of U.S. Patent 5,793,413 to Hylton *et al.* Claim 10 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Hylton* in view of Published U.S. Patent Application 2002/0106018 to D'Luna *et al.*

The Assignee shows, however, that the amended claims are neither anticipated nor obviated by the cited documents. The Assignee thus respectively submits that the pending claims distinguish over the cited documents.

Objection to the Drawings

The United States Patent and Trademark Office (the "Office") objected to the drawings. The Office specifically objected to FIG. 2 for an incorrect component label. FIG. 2, block 126 incorrectly refers to a "decode." This response, therefore, includes a replacement FIG. 2 that corrects the mistaken label. Examiner Johnson is thanked for noting this mistake.

Rejections under 35 U.S.C. § 102

The Office rejects claims 1-4 and 11-15 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 5,708,961 to Hylton *et al.* A claim is anticipated only if each and every element is

found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, the amended claims patentably distinguish over *Hylton*. The reference to *Hylton* does not anticipate the claims, so the Assignee respectfully requests that Examiner Johnson remove the 35 U.S.C. § 102 (e) rejection.

Claims 1-4 and 11-15 all recite features not taught or suggested by *Hylton*. These claims all describe a media server that tunes "*to a transport layer and transmit[s] the entire transport layer, rather than a single program stream, over a network bus.*" The transport layer is then received from the bus by a network input/output module, decrypted, demultiplexed, and decoded. Support for these features may be found at least at page 3, lines 1-5 and at page 24, lines 19-21. A "clean" version of amended, independent claim 1 is reproduced below, and independent claim 12 recites similar features.

1. (Currently Amended) A digital residential entertainment system, comprising:

a media server tuning to a transport layer and transmitting the entire transport layer, rather than a single program stream, over a network bus;

a network input/output module receiving the transport layer off the network bus;
a decryption module that decrypts the transport layer;
a demultiplexer that demultiplexes the transport layer; and
a decoder that decodes the transport layer.

Hylton does not anticipate these claims. *Hylton* is completely silent to "*a media server tuning to a transport layer and transmitting the entire transport layer, rather than a single program stream, over a network bus.*" The patent to Hylton, in contradistinction, receives a transport stream, selects a program from that stream, and then sends the program information to a multiplexer. *Hylton*, then, does not "*[transmit] the entire transport layer, rather than a single program stream, over a network bus.*" *Hylton*, then, cannot anticipate independent claims 1 and 12 and their respective dependent claims.

Hylton provides an explanation. "In accord with the present invention, the shared processing system 10 receives a plurality of channels from the network 5." U.S. Patent 5,708,961 to Hylton *et al.* (Jan. 13, 1998) at column 5, lines 42-44. "Each channel received from the network 5 includes a digital stream containing a plurality of digitized and compressed broadband programs, such as audio/video programs." *Id.* at column 5, lines 49-51. "**In one preferred embodiment described below, the digital stream is a transport stream containing packets of information for the multiple programs.**" *Id.* at column 5, lines 52-54 (emphasis added). "**The channel selector 11 selects one of the channels received from the network 15 and supplies the digital stream from that channel to the corresponding program selector 13.**" *Id.* at column 5, lines 64-67 (emphasis added). "The program selector 13 in turn selects the digitized and compressed information for one selected program from the digital stream." *Id.* at column 5, line 67 through column 6, line 2. "**The program selectors thus supply digital information for a plurality of individual selected programs to a multiplexer 15.**" U.S. Patent 5,708,961 to Hylton *et al.* (Jan. 13, 1998) at column 6, lines 2-4 (emphasis added). The multiplexer then multiplexes the individual programs into a "transport stream." *Id.* at column 6, lines 8-10. The multiplexed programs are then wirelessly transmitted. *See id.* at column 6, lines 18-35.

Hylton, then, cannot anticipate claims 1-4 and 11-15. The patent Hylton *et al.* is completely silent to "*a media server tuning to a transport layer and transmitting the entire transport layer, rather than a single program stream, over a network bus.*" Because *Hylton* is silent to such features, the patent to Hylton *et al.* cannot anticipate independent claims 1 and 12 and their respective dependent claims. The Assignee, then, respectfully requests that Examiner Johnson remove the § 102 rejection.

Rejection of Claims under 35 U.S.C. § 103 (a)

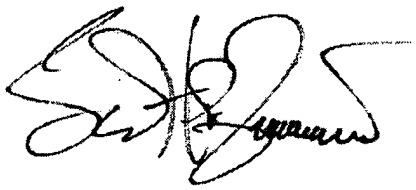
The pending claims are, likewise, not obvious. The Office rejects claims 5-10 and 16 under 35 U.S.C. § 103 (a) as being unpatentable over *Hylton '961* in view of various

combinations of *Rowe*, *Hylton '413*, and *D'Luna*. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 5-10 and 16, however, are not obvious. Claims 5-10 depend from independent claim 1, and claim 16 depends from independent claim 12. These dependent claims thus incorporate the same patentably distinguishing features. The proposed combination of *Hylton '961* with any combination of *Rowe*, *Hylton '413*, and *D'Luna* still fails to teach or suggest "*a media server tuning to a transport layer and transmitting the entire transport layer, rather than a single program stream, over a network bus.*" Because these cited documents fail to teach or suggest all the features of the claims, one of ordinary skill in the art would not think the claims obvious. The Office is, therefore, required to remove the § 103 rejections.

If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or *scott@wzpatents.com*.

Respectfully submitted,



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